

COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

250499

DATE OF REPORT (DAY-MON-YEAR)
27 May 1999
23 July 1999T

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION

☒ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☐ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM INVESTIGATOR'S NAME

Erica D. Sanders

RANK STAR NO.
Inv. 248

SOCIAL SEC. NO.

EMPLOYEE NO.

UNIT ASSIGN.

ADDRESS OF INCIDENT

1104 W. Taylor St. (inside the "Taylor Street
Pasta & Pizza Station)

DATE OF INCIDENT - TIME

10 May 98 approx 2130

BEAT OF INCIDENT

113

LOCATION CODE

01/04

NAME

1. Laurence Coleman

RANK

PO

STAR NO.

3377

SOCIAL SEC. NO.

EMPLOYEE NO.

UNIT ASSIGN.

011

2. Erik Rodriguez

RANK

PO

STAR NO.

19100

SOCIAL SEC. NO.

EMPLOYEE NO.

UNIT ASSIGN.

011

SEX/RACE/D.O.B.

1. M/W 64

DATE OF APPOINTMENT

31 May 94

DUTY STATUS (TIME OF INCIDENT)

☒ ON DUTY

☐ OFF DUTY

☒ SWORN

☐ CIVILIAN

CHRG. CODE

03

2. M/H 71

DATE OF APPOINTMENT

04 November 96

DUTY STATUS (TIME OF INCIDENT)

☒ ON DUTY

☐ OFF DUTY

☒ SWORN

☐ CIVILIAN

CHRG. CODE

01

IF APPLICABLE - HAVE ARRESTED, INDICATE

CHARGES

COURT BRANCH

DISPOSITION & DATE

1.

2.

NAME

ADDRESS

CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

CHRG. CODE

(Currently incarcerated in Vandalia, Ill. at Vandalia Correctional Facility)

Chgo., Ill

n/p

M/R

57

03

NAME

ADDRESS

CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

CHRG. CODE

NAME

ADDRESS

CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

CHRG. CODE

NAME

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TELEPHONE

SEX/RACE

D.O.B./AGE

CHRG. CODE

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D.O.B./AGE

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CHRG. CODE

NAME

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CITY STATE

TELEPHONE

SEX/RACE

D.O.B./AGE

ALLEGATIONS:

On 16 December 1998, at approximately 1938 hours, the complainant, [REDACTED], contacted the Office of Professional Standards, via Bell, and Registered a complaint with Civilian Maira Webb against the police. [REDACTED] alleged that on 10 May 1998, at approximately 2130 hours, at 1104 West Taylor Street, inside the "Taylor Street Pasta & Pizza Station", the accused, Officer Laurence Coleman, #3377, Unit 011:

1. failed to identify himself as a Chicago Police officer.
- (2) shot at him without justification.
- (3) struck him about the body with his fists, a flashlight, and a baton and kicked him about the body.

that the accused, Officer Erik Rodriguez, #19100, Unit 011:

- (1) struck him about the body with his fists, a flashlight, and a baton and kicked him about the body.

that the accused, Officer Alma Maltos, #17019, Unit 012:

- (1) struck him about the body with her fists, a flashlight, and a baton and kicked him about the body.

that the accused, Officer Michael Twarowski, #18558, Unit 012:

- (1) struck him about the body with his fists, a flashlight, and a baton and kicked him about the body.

and that the accused, Officer Michael Hammond, #3392, Unit 153:

- (1) struck him about the body with his fists, a flashlight, and a baton, and kicked him about the body.

[REDACTED] further alleged that on the same date, at approximately 2210 hours, at the 012th District Station, inside a room, the accused, Officer James Daniels, #4087, Unit 701:

- (1) struck him about the body with a flashlight and a baton.
- (2) refused to take him to the hospital for medical treatment upon his request.

ALLEGATIONS: (continued)

and that the accused, Officer Robert Poholik, #10721, Unit 543:

- (1) struck him about the body with a flashlight and a baton.
- (2) refused to take him to the hospital for medical treatment upon his request.

ADDRESS OF INCIDENT: (continued)

2. Inside 012th District Station (interview room), Date of Incident - Time, 10 May 1998,
Approximately 2210 hours, Beat of Incident-1213, Location Code: 04

ACCUSED: (continued)

3. Alma Maltos, Police Officer, Star #17019, [REDACTED] Employee # [REDACTED] Unit 012, F/H, DOB: [REDACTED] 53, DOA: 19 June 91, On Duty, Sworn, Code: 01
4. Michael Twarowski, Police Officer, Star #18558, [REDACTED] Employee # [REDACTED] Unit 012, M/W, DOB: [REDACTED] 58, DOA: 03 October 94, On Duty, Sworn, Code: 01
5. Michael Hammond, Police Officer, Star #3392, [REDACTED] Employee # [REDACTED] Unit 153, M/W, DOB: [REDACTED] 65, DOA: 31 May 94, On Duty, Sworn, Code: 01
6. James Daniels, Police Officer, Star #4087, [REDACTED] Employee # [REDACTED] Unit 701, M/W, DOB: [REDACTED] 67, DOA: 05 July 94, On Duty, Sworn, Code: 01
7. Robert Poholik, Police Officer, Star #10721, [REDACTED] Employee # [REDACTED] Unit 543, DOB: [REDACTED] 66, DOA: 29 June 92, On Duty, Sworn, Code: 01

EVIDENCE ATTACHMENTS:

1. Complaint Against a Department Member, Complaint Register #250499
- 1A. Complaint Against a Department Member, Shots Fired Worksheet
- 1B. Complaint Against a Department Member, Additional Information for Shots Fired Worksheet
2. To/From/Subject Report, Intake Aide Maira Webb, Re: C.R. #250499
3. Arrest Report, Re: Complainant, [REDACTED]
4. Case Report, Robbery-Attempt Armed Knife - RD#C-286257
5. Supplementary Report
6. CIMIS Standard Inquire, Re: Complainant, [REDACTED]
7. Statement of Complainant, [REDACTED]
8. Consent by Patient to Disclosure of Information-Medical Release Form
9. Consent by Patient to Disclosure of Information-Medical Release Form
10. Telephone Message Left by Assistant State's Attorney Kurt Smitko Re: Complainant, Mr. [REDACTED]
11. Telephone Message Left by State's Attorney Tom Brice Re: Complainant, [REDACTED]
12. To/From/Subject Report, Investigator Erica D. Sanders, #248, Unit 113, Re: Additional Information
13. Criminal History Report, Re: Complainant, Mr. James Pinkin Jr.
14. Certified Letter Sent to Witness, Mr. [REDACTED]
15. Certified Letter Sent to Witness, Ms. [REDACTED]
16. Certified Letter Sent to Witness, Ms. [REDACTED]
17. Certified Letter Sent to Witness, Mr. [REDACTED]
18. To/From/Subject Report, Investigator Erica E. Sanders, #248, Re: Telephone Contact Made with Witness, Ms. [REDACTED]
19. Medical Records - Cermak Health Services of Cook County
20. Receipt of Certified Letter Sent to Witness, Mr. [REDACTED]
21. To/From/Subject Report, Investigator Erica E. Sanders, #248, Unit 113, Re: Visit to Location of Incident
22. To/From/Subject Report, Investigator Erica E. Sanders, #248, Unit 113, Re: Second Visit to Location of Incident
23. Certified Letter Sent to Possible Witness, Ms. [REDACTED] Returned "Unclaimed"
24. Telephone Message Left By "Beverly" Re: Complainant, [REDACTED]
25. To/From/Subject Report, Investigator Erica D. Sanders, #248, Unit 113, Re: Additional Information-Sentencing of Complainant, [REDACTED]
26. Receipt of Certified Letter Sent to Witness, Ms. [REDACTED] Returned "Returned to Sender"
27. To/From/Subject Report, Investigator William P. Waldron, #254, Unit 113, Re: Personal Visit to Listed Residence of Witness, Ms. [REDACTED]

EVIDENCE ATTACHMENTS: (continued)

28. Medical Records - Cook County Hospital
29. Receipt of Certified Letter Sent to Witness, Mr. [REDACTED], Returned, "Unclaimed"
30. Weapons Discharge Report, Accused, Officer Laurence Coleman, #3377, Unit 011
31. To/From/Subject Report, Lieutenant Guy T. DeSalvo, #218, Unit 012, Re: Firearms Use Investigation
32. To/From/Subject Report, Sergeant J. Williamson, #3449, Unit 012, Re: Shots Fired by the Police.
33. Felony Minutes Sheet
34. Inventory Worksheet, #2003171
35. Inventory Worksheet, #2003172
36. Inventory Worksheet, #2003173
37. Inventory Worksheet, #2003174
38. Inventory Worksheet, #2004459
39. Inventory Worksheet, #2004460
40. Crime Scene Processing Report
41. To/From/Subject Report, Accused, Officer Erik Rodriguez, #19100, Unit 011, Re: Continuance of Weapons Discharge Regarding Officer Coleman
42. To/From/Subject Report, Accused, Officer Alma Maltos, #17019, Unit 012, Re: Injured to Officer Coleman
43. Injury on Duty Report, Re: Accused, Officer Laurence Coleman, #3377, Unit 011
44. Officer's Battery Report, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
45. Officer's Battery Report, Re: Accused, Officer Laurence Coleman, #3377, Unit 011
46. Request To Review/Hold Recording Tape
47. Request For Evidence Identification Photos
48. Central Booking Photo, Re: Complainant, [REDACTED]
49. To/From/Subject Report, Investigator Erica D. Sanders, #248, Unit 113, Re: Personal Visit to Residence of Witness, Mr. [REDACTED]
50. To/From/Subject Report, Investigator Erica D. Sanders, #248, Unit 113, Re: Personal Visit to Residence of Witness, Ms. [REDACTED]
51. Message Received With Printouts Re: Office of Emergency Communications Tape
52. Chicago Police Department, Event Query
53. Chicago Police Department, Event Query
54. Chicago Police Department, Event Query
- 55A-DD) Evidence Technician Photos
56. Attendance & Assignment Record, 012th District Station, 3rd Watch
57. To/From/Subject Report, Investigator Erica D. Sanders, #248, Unit 113, Re: No Response From Witnesses, Mr. [REDACTED] and Ms [REDACTED]

EVIDENCE ATTACHMENTS: (continued)

58. To/From/Subject Report, Investigator Erica D. Sanders, #248, Unit 113, Re: Attempt to have a Photo Taken of Inventoried Evidence - Knife
59. Facsimile Message
60. Inventory Worksheet, #2003173
61. Rear of Inventory Worksheet, #2003173
62. Property Turnover to State's Attorney or Other Law Enforcement Agencies
63. Schedule of Accused Officers
64. Request For Interview/Statement/Report, Re: Accused, Officers Laurence Coleman, #3377, and Erik Rodriguez, #19100, both of Unit 011
65. To/From/Subject Report, Investigator Erica D. Sanders, #248, Unit 113, Re: Additional Information - Telephone Contact Made with Reporting Investigator by Complainant, Mr. [REDACTED], From Vandalia Correctional Facility
66. Notification of Charges/Allegations, Re: Accused, Officer Laurence Coleman, #3377, Unit 011
67. Administrative Proceedings Rights, Re: Accused, Officer Laurence Coleman, #3377, Unit 011
68. Waiver of Counsel/Request to Secure Counsel, Re: Accused, Officer Laurence Coleman, #3377, Unit 011
69. Notification of Charges/Allegations, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
70. Administrative Proceedings Rights, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
71. Waiver of Counsel/Request to Secure Counsel, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
72. Notification of Charges/Allegations, Re: Accused, Officer Laurence Coleman, #3377, Unit 011
73. Administrative Proceedings Rights, Accused, Officer Laurence Coleman, #3377, Unit 011
74. Statement of Accused, Officer Laurence Coleman, #3377, Unit 011
75. Request For Interview/Statement/Report, Re: Accused, Officer Robert Poholik, #10721, Unit 543
76. Request For Interview/Statement/Report, Re: Accused, Officer Michael Twarowski, #18558, Unit 012
77. Request For Interview/Statement/Report, Re: Accused, Officer James Daniels, #4087, Unit 701
78. Request For Interview/Statement/Report, Re: Accused, Officer Michael Hammond, #3392, Unit 153
79. Request For Interview/Statement/Report, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
80. Request For Interview/Statement/Report, Re: Accused, Officer Alma Maltos, #17019, Unit 012

EVIDENCE ATTACHMENTS: (continued)

81. To/From/Subject Report, Investigator Erica D. Sanders, #248, Unit 113, Re: Attempts to Locate and Take Photos of Evidence - Knife That the Complainant, [REDACTED] Used in the Commission of His Crime
82. Notification of Charges/Allegations, Re: Accused, Officer Robert Poholik, #10721, Unit 543
83. Administrative Proceedings Rights, Re: Accused, Officer Robert Poholik, #10721, Unit 543
84. Waiver of Counsel/Request to Secure Counsel, Re: Accused, Officer Robert Poholik, #10721, Unit 543
85. Questions to be Addressed by Accused, Officer Robert Poholik, #10721, Unit 543
86. Notification of Charges/Allegations, Re: Accused, Officer Michael Twarowski, #18558, Unit 012
87. Administrative Proceedings Rights, Re: Accused, Officer Michael Twarowski, #18558, Unit 012
88. Waiver of Counsel/Request to secure Counsel, Re: Accused, Officer Michael Twarowski, #18558, Unit 012
89. Specific Questions to be Addressed by Accused, Officer Michael Twarowski, #18558, Unit 012
90. Notification of Charges/Allegations, Re: Accused, Officer James Daniels, #4087, Unit 701
91. Administrative Proceedings Rights, Re: Accused, Officer James Daniels, #4087, Unit 701
92. Waiver of Counsel/Request to Secure Counsel, Re: Accused, Officer James Daniels, #4087, Unit 701
93. Questions to be Addressed by Accused, Officer James Daniels, #4087, Unit 701
94. Request For Interview/Statement/Report, Re: Accused, Officer Michael Hammond, #3392, Unit 153
95. To/From/Subject Report, Accused, Officer Robert Poholik, #10721, Unit 543, Re: Complaint Register #250499
96. Request For Interview/Statement/Report, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
97. Notification of Charges/Allegations, Re: Accused, Officer Michael Hammond, #3392, Unit 153
98. Administrative Proceedings Rights, Re: Accused, Officer Michael Hammond, #3392, Unit 153
99. Waiver of Counsel/Request to Secure Counsel, Re: Accused Officer Michael Hammond, #3392, Unit 153
100. Notification of Charges/Allegations, Re: Accused, Officer Alma Maltos, #17019, Unit 012
101. Administrative Proceedings Rights, Re: Accused, Officer Alma Maltos, #17019, Unit 012
102. Waiver of Counsel/Request to Secure Counsel, Re: Accused, Officer Alma Maltos, #17019, Unit 012

EVIDENCE ATTACHMENTS: (continued)

103. To/From/Subject Report, Accused, Officer Michael Twarowski, #18558, Unit 012
104. Request For Interview/Statement/Report, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
105. Request For Time Extension, Complaint Register #250499
106. Specific Questions to be Addressed by Accused, Officer Alma Maltos, #17019, Unit 012
107. To/From/Subject Report, Accused, Officer Alma Maltos, #17019, Unit 012, Re: Complaint Register #250499
108. Specific Questions to be Addressed by Accused, Officer Michael Hammond, #3392, Unit 153
109. To/From/Subject Report, Accused, Officer Michael Hammond, #3392, Unit 153, Re: Response to Complaint Register #250499
110. To/From/Subject Report, Accused, Officer James Daniels, #4087, Unit 153, Re: Complaint Register #250499
111. Telephone Message Left By Fraternal Order of Police Regarding the 1500 Hour Appointment of the Accused, Officer Erik Rodriguez, #19100, Unit 011
112. Request For Interview/Statement/Report, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
113. Notification of Charges/Allegations, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
114. Administrative Proceedings Rights, Re: Accused, Officer Erik Rodriguez, #19100, Unit 011
115. Statement of Accused, Officer Erik Rodriguez, #19100, Unit 011
116. Department General Order 86-8
117. Investigator's Case Log

INVESTIGATION:

The allegations are as indicated in the "Allegations" section of the Summary Report Digest.

During a formal statement taken at Cook County Jail and during subsequent telephone conversations, the complainant, [REDACTED], stated that on the date and time in question, he entered the "Taylor Street Pasta & Pizza Station" to use the restroom. He approached the front counter and asked two female employees where the restroom was. The women looked at him and laughed because he was dressed in a black cape wrap, a sweater and jeans that had patches. He pounded on the counter with his hands, asked the women, "Where's the fuckin' men's room," and then walked toward the rear of the restaurant to locate the restroom himself. The two women walked past him and exited the restaurant. He looked back to see where they were going. He observed that the women were flagging down either cars or people.

[REDACTED] stated that he continued to walk toward the rear of the restaurant, in search of the restroom, and as he did so, he heard a shot fired in the direction of his back. He immediately dropped to the floor, looked over his shoulder, and observed two uniformed officers (now known as the accused, Officers Laurence Coleman, #3377, and Erik Rodriguez, #19100, both of Unit 011) approaching him. Officers Coleman and Rodriguez struck him about the body with their fists, flashlights, batons and kicked him about the body. [REDACTED] stated that he defended himself by getting up from the floor, raising his arms to block additional blows, and grabbing the officers' hands.

[REDACTED] stated that as the officers continued to strike him about the body, he opened a door and attempted to crawl underneath a gate but could not fit. Officers Coleman and Rodriguez handcuffed him and then called for back up. When the additional officers arrived (now known as the accused, Officers Alma Maltos, #17019 and Micahel Twarowski, #18558, both of Unit 012, Officers Michael Hammond, #3392 and Samuel Manto, #3717, all formerly of Unit 012) they too struck him about the body with their fists, flashlights, batons, and kicked him about the body. Once at the 012th District Station, the transporting officers, (now known as the accused, Officers James Daniels, #4087, and Robert Poholik, #10721, both formerly of Unit 012) escorted him to a room where they struck him about the body with their flashlights and batons and refused to take him to the hospital for medical treatment upon his request.

[REDACTED] stated that he was in possession of a finger nail file, not a knife or a razor blade, and denied ever threatening Officers Coleman and Rodriguez with the finger nail file or battering the officers. [REDACTED] stated that he sustained blunt trauma to the head, pinched nerves in his neck, bruises to his back, hands, and elbows as well as a chipped bone in one of his elbows, a displaced right shoulder, and bleeding about the body as a result of his contact with the officers and that he sought medical treatment at Cermak medical Center and at Cook County Hospital.

INVESTIGATION: (continued)

██████████ stated that during his trial, he learned that it was Officer Coleman who fired at him without identifying himself as a Chicago Police Officer, and that after plea bargaining, he was convicted of Attempted Robbery and Possession of Cocaine and was sentenced to three years in a correctional facility. (Att. #7, #25, #65)

The Case Report indicated that Officers Coleman and Rodriguez were flagged down by the restaurant employees, Mr. ██████████, Ms. ██████████, Ms. ██████████, Mr. ██████████, and Ms. ██████████. Ms. ██████████ informed the officers that they needed assistance because a male black (██████████) had entered the restaurant, ran behind the counter, displayed a knife, and stated, "This is a stick up. Open the fucking register."

The report indicated that Officer Coleman entered the restaurant, followed by Officer Rodriguez, and restaurant patrons told the officers that ██████████ had run toward the rear of the restaurant. Officers Coleman and Rodriguez entered the rear of the restaurant and observed Mr. ██████████ attempting to open a rear security door. Officer Coleman announced his office. ██████████ turned towards Officers Coleman and Rodriguez with a knife in his right hand. He then made threatening movements toward the officers. Officer Coleman repeatedly ordered ██████████ to drop the knife, but he did not comply. ██████████ continued to advance toward the officers in a threatening manner with the knife. Officer Coleman fired one shot. ██████████ dropped the knife to the floor and attempted to crawl underneath the security gate at the rear door, but got stuck. Officers Coleman and Rodriguez grabbed ██████████ and attempted to handcuff him. ██████████ struggled and scratched Officer Coleman's left arm. Officers Coleman and Rodriguez managed to handcuff Mr. Pinkin, despite his resistance, and then Officer Rodriguez recovered the knife from the floor, near Mr. Pinkin, (Att. #4)

The Supplementary Report described the knife that ██████████ was in possession of as being a silver case knife with a two inch blade. The report additionally indicated that Area 4 Detectives interviewed Officers Coleman and Rodriguez, Ms. ██████████, Mr. ██████████ and Ms. ██████████ and attempted to interview ██████████, but he refused.

In his statement to the detectives, Officer Coleman basically reiterated the information that was indicated in the Case Report. Officer Coleman stated that in addition to giving ██████████ repeated orders to drop the knife, he and Officer Rodriguez repeatedly announced their office to Mr. ██████████. Officer Coleman stated that ██████████'s arms were extended outward, toward him and Officer Rodriguez, while ██████████ was making threatening movements with the knife. Officer Coleman stated that he fired one warning shot from his weapon, into a rear wall, in fear of his and Officer Rodriguez's life, before ██████████ finally complied and dropped the knife.

In his statement to the detectives, Officer Rodriguez corroborated Officer Coleman's account

INVESTIGATION: (continued)

In her statement to the detectives, [REDACTED], a cashier at the restaurant, stated that she observed [REDACTED] holding something shiny in his hand after he entered the restaurant and demanded money. [REDACTED] additionally stated that it was [REDACTED] who exited the restaurant and flagged down the police while she and the other employees remained inside. [REDACTED] stated that as she was exiting the restaurant, she heard the officers instruct [REDACTED] to stop and then heard one gunshot.

In his statement to the detectives, [REDACTED], a cook at the restaurant, stated that he was in the kitchen when he heard a commotion at the front of the restaurant and then observed [REDACTED] run into the kitchen. [REDACTED] stated that he tripped [REDACTED] and then observed Officers Coleman and Rodriguez run into the kitchen, yelling for [REDACTED] to stop. [REDACTED] stated that he observed [REDACTED] holding something shiny in his hand. He then heard a gunshot and observed [REDACTED] attempt to crawl underneath the security gate.

In her statement to the detectives, [REDACTED], a cashier at the restaurant, corroborated the account of [REDACTED] and stated that after [REDACTED] demanded money and pounded on the cash register, she told him that neither she nor [REDACTED] could open the register because the manager had the key. [REDACTED] made no mention of observing [REDACTED] with a knife. (Att. #5)

The Arrest Report corroborated the information that was contained in the case and supplementary reports. The Arrest Report additionally indicated that [REDACTED] was charged with Attempted Robbery and two counts of Aggravated Assault.

The Lockup Receiving/Screening Record indicated that [REDACTED] was received into the lockup with no obvious pain or injury. (Att. #3A)

In a To/From/Subject Report prepared by Lieutenant Guy DeSalvo, #218, Unit 012, regarding the Firearms Use Investigation, he provided information which corroborated the case, supplementary, and arrest reports. Lieutenant DeSalvo reported that he interviewed the involved parties including Ms. [REDACTED]. Lieutenant DeSalvo indicated that Ms. [REDACTED] informed him that she observed [REDACTED] in possession of a knife when he entered the restaurant and demanded money. Lieutenant DeSalvo additionally indicated that when he interviewed Ms. [REDACTED] she corroborated Ms. [REDACTED] account. (Att. #31)

In a To/From/Subject Report prepared by Assistant Deputy Superintendent Ettore DeVito, regarding the Shots Fired by the Police, he provided information which corroborated the case, supplementary, and arrest reports. He additionally reported that Officers Coleman and Rodriguez were on their lunch break when they were flagged down by Ms. [REDACTED] (Att. #32)

INVESTIGATION: (continued)

The witness, Ms. [REDACTED], refused to cooperate with the Office of Professional Standards investigation. (Att. #18)

Attempts to contact and interview the witnesses, Mr. [REDACTED] Ms. [REDACTED] Ms. [REDACTED] and Mr. [REDACTED] were met with negative results. (Att. #21, #22, #23, #26, #27, #29, #49, #50, #57)

The medical records from Cook County Hospital indicated that on 11 May 1998, at approximately 0915 hours, [REDACTED] was admitted to the hospital and that on 12 May 1998, at approximately 1250 hours, [REDACTED] was discharged. [REDACTED] informed the hospital personnel that he was involved in a physical altercation with the police during which time the police struck him about the chest, back, and arms with batons, fists, and feet, causing him to sustain pain, asthma, and loss of consciousness. [REDACTED] was examined and was diagnosed with multiple blunt trauma and multiple scrapes and abrasions to his back and legs. (Att. #28)

The medical record from Cermak Health Services Center indicated that on 12 May 1998, Mr. [REDACTED] complained to the medical personnel of having seizures in the past and was diagnosed with superficial abrasion. (Att. #19)

The Central Booking photo of [REDACTED] does not depict him to have any visible injuries. (Att. #48)

The Evidence Technician photos depict the interior and exterior of the restaurant, a bullet hole in the rear upper right side of the door molding next to an open door, and items (a razor blade, a watch, an ink pen, and a piece of paper) that belonged to [REDACTED] (Att. #55A-DD)

Attempts to obtain a photograph of the knife that [REDACTED] was in possession of were met with negative results because the knife had been turned over to the Cook County Clerk's Office and inventoried. (Att. #58, #59, #60, #61, #62, #81)

During a formal statement, in a Weapons Discharge Report, in an Officer's Battery Report, and in an Injury on Duty Report, the accused, Officer Laurence Coleman, denied the allegations and reiterated the information that was indicated in the case, supplementary, and arrest reports.

Officer Coleman additionally stated that although they were facing each other, he and Mr. [REDACTED] were approximately ten feet away from each other when [REDACTED] lunged toward him with his arms extended from the middle of his body with the knife in his hand. Officer Coleman stated that Officer Rodriguez and Mr. Gomez were behind him at the time.

INVESTIGATION: (continued)

Officer Coleman stated that he could only see the blade of the knife that [REDACTED] was holding and stated that instead of firing directly at [REDACTED] after [REDACTED] refused to drop the knife and continued to advance toward him in a threatening manner, he fired a warning shot into a wall above [REDACTED]'s head to give [REDACTED] a chance to drop the knife. Upon inquiry, Officer Coleman stated that he was unaware of what was on the other side of the wall.

Officer Coleman continued that he and Officer Rodriguez struggled with [REDACTED] to subdue him after [REDACTED] dropped the knife to the floor and attempted to crawl underneath the burglar gate. Officer Coleman stated that he grabbed and clutched any part of [REDACTED]'s body that he could make contact with in an effort to prevent [REDACTED] from going underneath the burglar gate as Officer Rodriguez grabbed [REDACTED]'s hands and attempted to handcuff him. Officer Coleman stated that [REDACTED] tried to push himself underneath the burglar gate, feet first, while lying on his stomach, and attempted to push him and Officer Rodriguez out of his way.

Officer Coleman denied observing Officer Rodriguez or any other officer physically abuse [REDACTED] and stated that after [REDACTED] was handcuffed to a table, the assisting officers entered the rear of the restaurant and escorted [REDACTED] out. Officer Coleman stated that he sustained abrasions to his left arm when attempting to prevent [REDACTED] from escaping and stated that he observed [REDACTED] to have sustained abrasions to his abdomen and legs from attempting to crawl underneath the burglar gate. (Att. #30, #43, #45, #74)

During a formal statement, in an Officer's Battery Report, and in a To/From/Subject Report regarding the weapons discharge by Officer Coleman, the accused, Officer Erik Rodriguez, denied the allegations, denied observing Officer Coleman or any other officer physically abuse [REDACTED], reiterated the information that was indicated in the case, supplementary, and arrest reports, and basically corroborated the account of Officer Coleman.

Officer Rodriguez additionally stated that he was approximately two feet behind Officer Coleman when Officer Coleman discharged his weapon and he did not see what Officer Coleman aimed at. Officer Rodriguez described the knife that [REDACTED] lunged toward him and Officer Coleman with as being a folding knife with a two inch blade. Officer Rodriguez stated that he (Officer Rodriguez) recovered the knife and after he did so, he placed the knife in his vest pocket and later inventoried it at the 012th District Station. (Att. #41, #44, #115)

In a To/From/Subject Report addressing the allegations and in a To/From/Subject Report regarding the injuries to Officer Coleman, the accused, Officer Alma Maltos, stated that she was working with the accused, Officer Michael Twarowski, on the date and time in question. Officer Maltos denied the allegations and stated that neither she nor Officer Twarowski had any physical contact with [REDACTED]. Officer Maltos stated that when she and Officer Twarowski entered the rear

of the restaurant, she observed Officers Coleman and Rodriguez handcuffing [REDACTED] while Mr. [REDACTED] was lying on his stomach, underneath the burglar gate. Officer Maltos stated that she was unable to observe [REDACTED] with any visible injuries because he was lying underneath the burglar gate. Officer Maltos stated that she did, however, observe Officer Coleman with scratches to his left arm.

In a To/From/Subject Report, the accused, Officer Michael Twarowski, denied the allegations and basically corroborated the account of Officer Maltos. Officer Twarowski reiterated that neither he nor Officer Maltos had any physical contact with [REDACTED] and stated that he observed [REDACTED] with scrapes to his shins and his knees when he was removed from underneath the burglar gate. (Att. #103)

In a To/From/Subject Report, the accused, Officer Michael Hammond, stated that he was working with Officer Samuel Manto, on the date and time in question. Officer Hammond denied the allegations, denied observing any officer physically abuse [REDACTED], and stated that when he and Officer Manto entered the rear of the restaurant, Mr. Pinkin was already handcuffed and standing up. Officer Hammond stated that Officer Coleman explained to him what had occurred and requested that he escort [REDACTED] out of the restaurant, to a squad car. Officer Hammond stated that he assisted by grabbing [REDACTED]'s wrists and escorting him out of the restaurant. Officer Hammond stated that he observed [REDACTED] with no visible injuries and observed Officer Coleman with scratches to his arms. (Att. #109)

Department records indicated that Officer Samuel Manto is currently on a Military Leave of Absence until 30 June 1999 and was unavailable for interview. (Att. #63)

In a To/From/Subject Report, the accused, Officer James Daniels, stated that he was working with Officer Robert Poholik on the date and time in question. Officer Daniels denied the allegations, denied observing any officer physically abuse [REDACTED], and stated that when he and Officer Poholik entered the rear of the restaurant, [REDACTED] was already handcuffed and standing near Officers Coleman and Rodriguez. Officer Daniels stated that he did not observe [REDACTED] with any visible injuries and observed Officer Coleman with scratches on his left arm. Officer Daniels stated that he and Officer Poholik searched [REDACTED] and transported him to the 012th District Station for processing. Upon inquiry, Officer Daniels stated that [REDACTED] did not request to go to a hospital for medical treatment while at the 012th District Station. (Att. #110)

In a To/From/Subject Report, the accused, Officer Robert Poholik, denied the allegations, denied observing any officer physically abuse Mr. Pinkin and corroborated the account of Officer Daniels.

CONCLUSION:

The Reporting Investigator recommends that the allegation that Officer Coleman failed to identify himself as a Chicago Police Officer be "Unfounded". The evidence indicates that Officer Coleman was in full police uniform during his contact with [REDACTED] and [REDACTED] did not specifically ask Officer Coleman to identify himself by giving him his name, rank or star number.

The Reporting Investigator recommends that the allegation that Officer Coleman shot at Mr. [REDACTED] be "Exonerated". Officer Coleman stated that [REDACTED] was in possession of a knife with a two inch blade and stated that [REDACTED] had refused both his and Officer Rodriguez's orders to drop the knife. Officer Coleman stated that it was when [REDACTED] lunged at him and Officer Rodriguez that he fired his weapon into a wall above [REDACTED]'s head to give [REDACTED] the opportunity to drop the knife. Officer Rodriguez corroborated Officer Coleman's account.

The Reporting Investigator recommends that the allegations of physical abuse that were made against Officers Coleman, Rodriguez, Malton, Twarowski, Hammond, Daniels, and Poholik be "Unfounded" and that the allegations that Officers Daniels and Poholik refused to take [REDACTED] to the hospital for medical treatment upon his request be "Not Sustained". The physical evidence does not support [REDACTED]'s account of the beating that he described. [REDACTED] stated that he was struck repeatedly with fists, flashlights, batons and was kicked about the body by numerous police officers. [REDACTED]'s Central Booking photo depicts no injury. [REDACTED]'s Lockup Screening Record indicates no injury. [REDACTED]'s medical records indicate that he sustained multiple scrapes and abrasions which were consistent with the officers' account of the manner in which Mr. Pinkin sustained his injuries. The officers stated that [REDACTED] sustained his injuries when he tried to escape by crawling underneath the burglar gate. Though [REDACTED] stated that Officers Daniels and Poholik refused to take him to the hospital for medical treatment upon his request, Officers Daniels and Poholik both stated that [REDACTED] did not request to go to the hospital for medical treatment. Without any witnesses or any corroborative evidence on the part of [REDACTED] or on the part of the officers, there is insufficient evidence to prove or disprove [REDACTED]'s allegation.

FINDINGS:

Accused #1:	POLICE OFFICER LAURENCE COLEMAN, STAR #3377, UNIT 011
Allegation #1:	UNFOUNDED
Allegation #2:	EXONERATED
Allegation #3:	UNFOUNDED

FINDINGS: (continued)

Accused #2:

OFFICER ERIK RODRIQUEZ, #19100, UNIT 011

Allegation #1:

**UNFOUNDED AGAINST OFFICER ERIK RODRIQUEZ,
STAR #19100, UNIT 011**

FINDINGS: (continued)

Accused #3:

OFFICER ALMA MALTOS, STAR #17019, UNIT 012

Allegation #1:

**UNFOUNDED AGAINST OFFICER ALMA MALTOS, STAR
#17019, UNIT 012**

FINDINGS: (continued)

Accused #4: OFFICER MICHAEL TWAROWSKI, STAR #18558, UNIT 012

**Allegations #1: UNFOUNDED AGAINST OFFICER MICHAEL
TWAROWSKI, STAR #18558, UNIT 012**

FINDINGS: (continued)

Accused #5:

OFFICER MICHAEL HAMMOND, STAR #3392, UNIT 153

Allegation #1:

**UNFOUNDED AGAINST OFFICER MICHAEL HAMMOND,
STAR #3392, UNIT 153**

FINDINGS: (continued)

Accused #6:	OFFICER JAMES DANIELS, STAR #4087, UNIT 701
Allegation #1:	UNFOUNDED AGAINST OFFICER JAMES DANIELS, STAR #4087, UNIT 701
Allegation #2:	NOT SUSTAINED AGAINST OFFICER JAMES DANIELS, STAR #4087, UNIT 701

FINDINGS: (continued)

Accused #7:	OFFICER ROBERT POHOLIK, STAR #10721, UNIT 543
Allegation #1:	UNFOUNDED AGAINST OFFICER ROBERT POHOLIK, STAR #10721, UNIT 543
Allegation #2:	NOT SUSTAINED AGAINST OFFICER ROBERT POHOLIK, STAR #10721, UNIT 543

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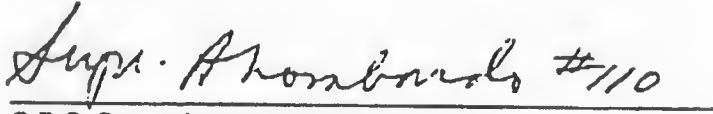
DATE INITIATED: 17 December 1998

DATE COMPLETED: 27 May 1999

TOTAL ELAPSED TIME: 161 Days


Investigator Erica D. Sanders #248

APPROVED:


O.P.S. Supervisor Ann Lombardo #110

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